

BOARD OF SELECTMEN
MINUTES
DECEMBER 11, 2006

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 7:30 p.m. in the Selectmen's Room.

Present were Virginia McIntyre, Chair; Anne D. Shapiro; Margaret B. Briggs; Gregory P. Howes; and Philip Benincasa, Clerk. Also present was Christopher Whelan, Town Manager.

CONSENT AGENDA:

- Town Accountant's Warrants

On a motion duly made and seconded, it was unanimously:

VOTED: To approve the Consent Agenda.

TOWN MANAGER'S REPORT:

1. The Warner Pond Dam will go out to bid on January 5. The Order of Conditions and DEP permits are in hand. CPW staff anticipates that the price will be above the \$500,000 that had been predicted. The Town Manager is recommending that the additional cost be taken from the Roads Program.
2. Dedaelus is the firm selected at Owner's Project Manager for the new Willard School Building project. The firm made an attractive price proposal and the Town Manager will negotiate a contract with the firm.
3. Regarding the Strawberry Hill Road land, the draft purchase and sale agreement has been sent to the Bentley firm. The Town Manager expects prompt response.
4. The National Park Service has notified that Town that a National Guard Unit that is being deployed to Afghanistan will be having a ceremony at the North Bridge. There is no local impact from the event. Those interested in attending should consult with NPS regarding the time.
5. The School Committee will discuss the Adult Education Program at its meeting of December 12th. There are no funds in the Town Manager's Budget for this program.
6. The House has reported Bill 4887 regarding Retirement funding to the Committee of Third Hearing. This bill would accomplish what Concord has been attempting to do in a Home Rule Petition that has been stymied. The Board agreed to call State Legislators to encourage their support.
7. Police Chief Len Wetherbee will attend the meeting of December 18th to speak with the Board regarding Route 2 traffic enforcement, safety, and other issues that the Board brings to his attention.

LIAISON REPORTS

Mr. Howes stated that Trammell Crow is intending to develop 350 units of rental housing in Concord. The thirty-acre parcel abuts the towns of Maynard and Sudbury at Old Powdermill Road on the ESSCO Land. This 40B development will require a letter from the Board to the Massachusetts Housing Finance Agency to permit the developer to apply for a permit for units in excess of to the large project cap or 250.

Concord currently has 6,000 households; therefore 600 units are required to meet the State's 40B zoning obligation. The 350 units planned would fill Concord's affordable units complement. The housing requirement will be updated with information from the 2010 census.

Mr. Howes noted that the development will include an on site wastewater treatment plant.

CONTINUATION OF TAX CLASSIFICATION HEARING

Consent Agenda

Town Manager's
Report

Liaison Reports

Tax Classification
Hearing

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Ms. McIntyre reported that the Department of Revenue has not completed its review and certification of the Assessors valuation. One issue that has been raised is the Town's calculation of New Growth.

Town Appraiser Lynn Masson stated that this appears to be a shift in thinking for computing New Growth state-wide, not just in Concord.

The Town needs to move forward in the process in order to issue tax bills. Discussion noted that the Board could vote on the four recommendations of the Board of Assessors and return to open session to re-vote only if the Department of Revenue certifies numbers different from that presented by the Board of Assessors.

Upon a Motion duly made and Seconded, the Board

VOTED: to approve a Residential Factor of 1. Unanimous
not to grant an open space discount. Unanimous
not to adopt a Residential Exemption. (4-aye; McIntyre-no)
not to grant a Small Commercial Exemption. Unanimous

The Board noted its intention to ask the Economic Council to study the Small Commercial Exemption and to make a recommendation to the Board of Assessors for 2007 Tax Classification.

Ms. Shapiro left the meeting at the conclusion of the Tax Classification Hearing.

CONSERVATION RESTRICTION WESTFORD ROAD

Natural Resources Administrator Delia Kaye was present with Gordon Bell to seek approval from the Board regarding a Conservation Restriction on the Tyler land off Westford Road to the Concord Land Conservation Trust.

The parcel is 12 acres of agricultural land that has been farmed for more than three hundred years. It is in the 61A program and abuts other protected land near Carlisle. Under the restriction, the land will continue to be farmed but the development rights will be eliminated.

The house, on the site since 1716, is not affected by the restrictions and the owner is trying to find a method of assuring preservation as well. Activities permitted in the Conservation Restriction are consistent with passive recreation.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to approve, pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts, a Conservation Restriction dated November 29, 2006 from Victor M. Tyler, II and Mary McGuire Tyler to the Trustees of the Concord Land Conservation Trust on approximately 12.1 acres of land off Westford Road and Hartwell Road (the northerly part of Assessors Parcel No.1557).

REVIEW POSSIBLE WARRANT ARTICLES FOR 2007 TOWN MEETING

The two articles that the Board is considering for the Warrant concern the playing fields initiative and a bylaw amendment to reduce speed on local waterways to No Wake.

Ms. Briggs noted that the playing fields Article had been proposed to back-up the playing fields proposal, in case Community Preservation Committee did not approve the full request. CPC approved the entire amount requested, \$1.5MM.

The playing fields requested would be located at the regional high school and on Walden Street. Other locations could also be noted with the input of the Moderator.

Timing of the Article and whether there are separate Articles for the fields and all other CPC supported awards is an issue. It was stated that, if all CPC are considered together, the Article becomes a referendum on fields. While the CPC Article requires a simple majority, the Selectmen's Article would require a $\frac{2}{3}$ majority. It is unlikely that if the simple majority fails a subsequent article on the same issue would pass with a more rigorous vote requirement.

Conservation
Restriction

2007 Town Meeting

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Regarding the No Wake proposal, Mr. Benincasa asked whether there would be additional enforcement expenses. Ms. McIntyre stated that the amendment was intended to provide boaters with a more understandable standard for self-enforcement. There would be additional signs at bridges.

PLAYING FIELDS UPDATE

Mr. Whelan reported that the CPC had supported the full \$1.5MM for playing fields. There are a variety of options available. The group will continue to keep the neighbors informed and to develop the plan before the regulatory boards. The Zoning Board of Appeals will consider the plan on March 8th, 2007.

Playing Fields

ANNUAL LICENSE RENEWALS.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

License Renewals

VOTED: To approve the renewal of the following nine All Alcoholic Restaurant Common Victualler licenses:

42 Main Street's Market & Café, d/b/a Main Street's Market & Cafe
99 Restaurants of Boston, Inc., d/b/a 99 Restaurant-Pubs
BBRG Operating, Inc., d/b/a Papa Razzi
Ching Dynasty Inc. d/b/a Hana Mizuki/Sushi House
Holder, Inc., d/b/a Vincenzo's Pasta
Jacq. Inc. d/b/a Serafina
JMMJR Restaurant, Inc., d/b/a Michael's Restaurant
Tai-Sen , Inc., d/b/a Chang An
Walden Station, Inc., d/b/a Walden Grille

VOTED: To approve the renewal of the following three Wine & Malt Restaurant Common Victualler licenses:

La Provence Corp., La Provence
Medeiros Restaurants, Inc. d/b/a Rossini's Pizzeria and Restaurant
Two D's Pizza, Inc. d/b/a Dino's Pizzeria

VOTED: To approve the renewal of the following All Alcoholic Innholder license:
The Merry Hill Corporation, d/b/a Colonial Inn

VOTED: To approve the renewal of the following three All Alcoholic Club licenses:
Concord Elks Club, Inc.
Musketaquid Sportsmen's Club, Inc.
Nashawtuc Country Club, Inc.

VOTED: To approve the renewal of the following Wine & Malt Club license:
Concord Rod & Gun Club, Inc.

VOTED: To approve the renewal of the following four All Alcoholic Retail Package Store licenses:

Concord Provisions, Inc.
Artichok Inc., d/b/a Vintages of Concord, Inc.
West Concord Liquor Store, Inc.
Westland Beverages, Inc., d/b/a Walden Liquors

VOTED: To approve the renewal of the three Wine & Malt Retail Package Store licenses:

Marissa Fondots d/b/a Tuscan Trader
Nine Acre Wines, Inc.
The Grateful Gourmet d/b/a The Cheese Shop
West Concord Supermarket, Inc.

VOTED: To approve the renewal of the following Automatic Amusement license:
Concord Elks Club, Inc. – 3 machines.

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VOTED: To rescind the Class I license approved on October 3, 2006 transferring the Class I license from Concord Chrysler-Plymouth, Inc. to Bob Moran's Chrysler Dodge Jeep, Inc.

VOTED: To approve the renewal of the following Class I Motor Vehicle licenses:
Concord Chrysler-Plymouth, Inc.
Village Saab

VOTED: To approve the renewals of the following Class II Used Car Dealer's licenses:
Colonial Motors Repairs Inc. Limited to 25 cars
Concord Collision Center Inc. Limited to twenty (20) cars
Kevins' Automotive Limited to two (2) vehicles One small "for sale" sign in each vehicle and no other signage
Douglas Macone, d/b/a Macone Trucking Sales - No cars or trucks to be stored on the premises
Milldam Leasing Co., Inc. No cars for lease or sale are to be parked on the premises
Nine Acre Auto Service, Inc. Limited to not more than two (2) cars for sale at anytime. Limited to two "For Sale" signs attached to the cars
John E. Richardson Classic Car Sales Limited to not more than one car at one time
Swedish Motor Works, Inc. - Limited to not more than 2 cars for sale at one time

VOTED: To approve the renewal of the following Common Carrier license to use the fixed route voted by the Board of Selectmen on June 14, 2004:
M&L Transit Systems, Inc.

VOTED: To approve the renewal of the following Common Victualler licenses:
42 Main Street's Market & Café, Inc., d/b/a Main Streets Market & Café
99 Restaurants of Boston, Inc., d/b/a 99 Restaurant-Pubs
A & S Walden Inc., d/b/a Walden Italian Kitchen
BBRG Operating, Inc., d/b/a Papa Razzi
Ching Dynasty, Inc., d/b/a Hana Mizuki/Sushi House
Club Car Café, d/b/a West Concord Depot
Concord Country Club
Concord Teacakes, Etcetera, Inc.
Corporate Chefs @ 300 Baker Avenue
Costa Donuts Two, d/b/a Dunkin Donuts
Emerson Hospital Café
Emerson Hospital Coffee Shop
Guckenheimer Enterprises at Sybase
Helen's
Holder, Inc. d/b/a Vincenzo's Pasta
Jacq. Inc. d/b/a Serafina
JMMJR Restaurant, Inc., d/b/a Michael's Restaurant La Provence
Kestlin Corp. d/b/a White Hen Pantry
La Provence Corp., d/b/a La Provence
MDM Mgmt. Group d/b/a Dunkin Donuts, Sudbury Road
Medeiros Restaurant Inc. d/b/a Rossini's Pizzeria and Restaurant
Nashawtuc Country Club, Inc.
Nashoba Brook Bakery
New London Pizza

Miscellaneous

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North Bridge Inn, Inc.
Susie's Sweet Shop, Inc., d/b/a Sorrento's Restaurant
Tai-Sen, Inc., d/b/a Chang An
The Grateful Gourmet, Inc. d/b/a The Cheese Shop
The Merry Hill Corporation, d/b/a The Colonial Inn
The Secret Ingredient d/b/a The Back Alley Café
Twin Seafood, Inc.
Two D's Pizza Inc., d/b/a Dino's Pizzeria
V&F Enterprises, Inc. d/b/a Bedford Farms Ice Cream
Valley Sports, Inc.
Walden Station, Inc. d/b/a Walden Grille
West Concord Donuts, d/b/a Dunkin Donuts

VOTED: To approve the renewal of the following Innholder licenses:
North Bridge Inn, Inc.
The Merry Hill Corporation, d/b/a Colonial Inn

VOTED: To approve the renewal of the following Lodging House licenses:
Hawthorne Inn, Inc.
Timothy Wheeler House of Concord

VOTED: To approve the renewal of the following Livery licenses:
Colonial Livery, Inc.
Lincoln Concord Coach, Inc.
Sunshine Taxi & Livery, LLC
Thomas E. Knatt d/b/a Apollo Taxi & Concord Taxi

VOTED: To approve the increase in livery rates for the following licensees:
Colonial Livery, Inc.
Sunshine Taxi & Livery, LLC
Thomas E. Knatt d/b/a Apollo Taxi & Concord Taxi

VOTED: To approve the renewal of the following Weekday Entertainment licenses:
99 Restaurants of Boston, Inc., d/b/a 99 Restaurant-Pubs Live Entertainment "Soft Music"
BBRG Operating, Inc., d/b/a Papa Razzi Live Entertainment in the Lounge
The Merry Hill Corporation, d/b/a The Colonial Inn Piano Player in Lounge
Walden Station, Inc., d/b/a Walden Grille Live entertainment. No more than three (3) performers.
Jacq. Inc., d/b/a Serafina's "Soft" Live Music and/or Entertainment (Guest Speakers); No Dancing.
42 Main Street's Market & Café, d/b/a Main Street's Market & Café, Soft music / Speaker

Mr. Benincasa stated that he would vote "no" on the Starbucks license renewal, not because of its product, but because he believes that the location is a health and safety threat to residents and customers. He understands that this is a symbolic gesture, but he would like to send a message to the managers of the facility that they should find a more appropriate venue.

Mr. Howes noted that he would not be voting on the Starbucks license renewal since he provides their property and liability insurance. Ms. McIntyre suggested postponing deliberation on the license until the full Board was present, and the Board agreed.

SILENT FUND HOLIDAY GIFTS

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

Silent Fund Gifts

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VOTED: to approve the Silent Fund request for \$10,650 dated December 5, 2006 for Holiday Gifts.

The Board noted that this longstanding fund has supported residents with seasonal gifts and emergency assistance. The Board's Annual Appeal is intended, in part, to supplement this fund. Residents will be asked to indicate which of several worthy purposes they would like their gift to support.

COMMITTEE NOMINATIONS

Judy Walpole of 58 Allen Farm Lane was nominated to the Personnel Board for a term to expire May 31, 2009

Nominations

COMMITTEE APPOINTMENTS

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to appoint Fred Lindgren of 48 Eaton Road to the White Pond Advisory Committee for a term to expire May 31, 2009.

Appointments

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to appoint to the Housing Corporation Board of Directors:
Elizabeth Parise of 275 Walden Street, term to expire May 31, 2008
George Xenakis of 55 Gifford Lane, term to expire May 31, 2007
Rob Waldeck of 750 Strawberry Hill Road, term to expire May 31, 2009
Donald W. Lashley of 49 Sudbury Road, term to expire May 31, 2008
Michael Jeans of 107 Westford Road, term to expire May 31, 2009
Jerome R. Gentile of 12 Stone Root Lane, term to expire May 31, 2007
Michael F. Malouf of 55 Garfield Road, term to expire May 31, 2009

ADJOURNMENT:

On a motion duly made and seconded, it was:

VOTED: To adjourn the Open Session and to conclude business for the evening at 8:45PM.

Adjournment

Respectfully submitted,

Philip H. Benincasa, Clerk